

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

CA 03-148L Tammy Passa v. Jeffrey Derderian, et al.  
CA 03-335L George Guindon v. American Foam Corp., et al.  
CA 03-208L Ronald Kingsley v. Jeffrey Derderian, et al.  
CA 03-483L Estate of Jude Henault v. American Form Corp., et al.  
CA 04-26L Linda Roderiques v. American Foam Corp., et al.  
CA 04-56L Charles Sweet v. American Foam Corp., et al.  
CA 04-312L Albert Gray, et al. v. Jeffrey Derderian, et al.  
CA 05-002L Andrew Paskowski, et al. v. Jeffrey Derderian, et al.

RECEIVED  
U.S. DISTRICT COURT  
DISTRICT OF RHODE ISLAND  
FEB 10 2005

INTERIM SCHEDULING ORDER

1. Defendants shall file answers or responses to the First Amended Master Complaint filed in the Gray action and to all adoptions of the First Amended Master Complaint in the remaining above-captioned actions, including motions to dismiss, notices of adoptions of previously filed motions to dismiss, and other responsive motions (collectively, "Responsive Motions"), on or before February 4, 2005, or within three weeks of service of a Notice of Adoption or Pro Forma Complaint in the above-captioned cases or any case filed after the date hereof, whichever is longer.

2. The Court will hear any Responsive Motions as they become ripe for adjudication.

3. After adjudication of all Responsive Motions filed in the above-captioned cases, including motions to dismiss, any defendant, including those defendants who have previously filed Responsive Motions, may file summary judgment motions, as necessary ("Initial Summary Judgment Motions"). All Initial Summary Judgment Motions shall be filed no later than sixty days after the Court's decision on the last pending Responsive Motion in the above-captioned cases.

4. Within 30 days after the filing of an Initial Summary Judgment Motion, plaintiffs shall identify, pursuant to F.R.Civ.P. 56(e) and (f), the material facts they believe to be at issue and the discovery requested to object to that specific motion. Should the Court grant, in whole or in part, plaintiffs' discovery requests, the parties shall have six months from the date of the Court's ruling to conduct discovery related to that motion, provided, however, that plaintiffs may seek additional time to conduct discovery related to that motion and the Court may grant such additional time for good cause shown. Plaintiffs shall file objections and supporting memoranda to such Initial Summary Judgment Motions within sixty days after the conclusion of this initial discovery period related to that motion. Defendants may have up to ninety days to conduct further discovery on matters raised in the plaintiffs' objections and up to thirty days after such discovery is completed within which to file any reply briefs. Such discovery conducted by the parties in the Initial Summary Judgment phase shall not be counted against the number of interrogatories permitted under Rule 33 of the Federal Rules of Civil Procedure.

5. The Court will hear these Initial Summary Judgment Motions as they become ripe for adjudication.

6. Subject to the limited discovery permitted in paragraph 7, infra, general discovery on all issues unrelated to the issues raised in the Initial Summary Judgment Motions is hereby stayed until after resolution of the Initial Summary Judgment Motions, or by further order of the Court.

7. In light of Rhode Island's Statute of Repose, R.I.G.L. 9-1-29, plaintiffs may conduct discovery limited to identifying and obtaining information from individuals or entities that have done work, evaluations or examinations on and in The Station, or have knowledge of such work, evaluations or examinations, solely for the specific purpose of identifying work done on or materials used in The Station, or to identify other potential defendants related only to such work or materials. Such limited discovery shall not be counted against the number of interrogatories permitted under Rule 33 of the Federal Rules of Civil Procedure. Any defendant may file an objection to the need for such discovery or seek an order limiting the scope of such discovery. This provision is subject to the Court's prior Order with respect to the Derderians' and Derco's motion for a stay.

8. Nothing in this order shall:

- a. prohibit any party from filing a motion with the Court seeking other or further discovery not described in this order;
- b. prevent any party from filing a motion for summary judgment after the resolution of the Initial Summary Judgment Motions;
- c. prevent any party from later redeposing witnesses whose depositions were taken for the limited purposes set forth in this Order including discovery related to Initial Summary Judgment Motions and/or the limited discovery authorized by Paragraph 7 above.

ENTERED as an Order of this Court on the        day of <sup>FEB</sup>~~January~~, 2005.

By Order:

Enter:

Bat Liffell

Ronald R. Laguerre  
SA USBT 2/1/05

Prepared by:

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Pro Hac Vice on behalf of  
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